

The embodiment of the invention as exemplified by independent claims 1, 20 and 22 is directed to a volume control circuit that automatically controls the volume level of sound generated by the loudspeaker at a predetermined constant level or higher during a two-way speech communication between the emergency report receiving center and the emergency reporting apparatus.

The examiner asserts that "Tendler disclose a hand-free having a volume control (see fig. 4; col. 6, lines 42-45). And Goldberg discloses an automatic volume control maintains sound volume at a relatively constant level (see col. 2, lines 32-36)." (Page 3 of Office Action)

Yet Tendler is directed to the generation by a cellular phone of a voice message to a PSAP (public service access point) operator in the event that there is an emergency (column 3, lines 48-55), and providing the PSAP operator the last fixed location of the cellular phone by annunciating the last latitude and longitude of the cellular telephone, as determined by its interaction with GPS satellites. Thus, the synthetic voice message generated by the cellular telephone is a one-way message that is sent to the PSAP operators. There is no disclosure in Tendler of any hands-free volume control. Rather, column 6, lines 41-45 state: "In the programming of E²ROM 114, an audio output of speech chip 110 is utilized to drive an internal speaker cell phone 10, not shown, via speaker driver 134 controlled by CPU 104 via volume control 136." [Underline added.] To an objective observer, what Tendler discloses in the quoted sentence is that when the user of the cellular telephone is programming the cellular telephone by storing preprogrammed telephone numbers and time of date, etc. into the E²ROM (column 6, lines 15-20), the user would need to have some feedback to inform him what was being stored in the E²ROM 114. And this feedback is provided by the speech synthesizer 110 as a voice message to the user (column 6, lines 21-26). The volume control 136 relied upon by the examiner is therefore actually used by the user for controlling the volume of the synthetic voice message that he hears from the

cellular phone for guiding him when he programs the cellular phone. Thus, nothing in Tendler suggests a hands-free volume control as asserted in the Office Action.

Goldberg does not have anything to do with maintaining the sound volume of any two-way speech communication, as the Goldberg system is directed to adjusting the sound volume from appliances or gadgets that output audio information to a user. (Column 2, lines 18-22) Indeed, the adjustment of the audio output of an appliance by the Golberg system is based on the measurement of audible background noise that would meet the needs of the listener. (Column 2, lines 40-50) Thus, Goldberg does not deal with any two-way speech communication, as its automatic volume control is directed to a one-way output of sound to the listener. Tendler, on the other hand, does not even come close to disclosing any volume control circuit that automatically controls the volume level of sound for a two-way communication.

In sum, therefore, the combination of Timm, Tendler and Golberg still falls far short of providing evidence that the prior art teaches an emergency reporting apparatus that has a volume control circuit that automatically controls the volume level of sound generated by a loudspeaker at a predetermined constant level or higher during a two-way speech communication between emergency report receiving center and the emergency reporting apparatus.

The embodiment of the invention as exemplified by independent claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Timm in view of Skeen U.S. patent 5,734,315.

Claim 9 sets forth the features that a loudspeaker of the audio system of the vehicle is to be used for the hands free speech communication loudspeaker, and when the loudspeaker malfunctions, it is replaced with another loudspeaker of the audio

system, so that the replacement loudspeaker of the audio system is used as the hands free speech communication loudspeaker.

The examiner asserts that "Skeen discloses replacing an earpiece with a speaker in an emergency vehicle (see col. 3, lines 1-10). It is apparent that Skeen would suggest in the case where the loudspeaker of the audio system is wrong, replacing the loudspeaker with the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the hands free speech communication loudspeaker." (Page 8 of Office Action)

Skeen does not have anything to do with two-way communications. Rather, it is directed to the use of an audio received signal for warning race car drivers on a race car track of certain race track conditions, represented by different tones. These signals may be prioritized. To receive these tones, a car driver would wear an ear piece. (Column 1, lines 30-49; column 2, lines 26-32) In column 2, line 61 to column 3, line 10, Skeen further discloses that his track alert system may be employed to alert drivers of vehicles that are in the vicinity of highway intersections of the approach of an emergency vehicle. In such scenario, transmitters would be placed in the emergency vehicle while the ordinary vehicles are equipped with receivers for receiving the emergency tones output from the generator mounted to the emergency vehicle. In this situation, the ear pierce that would have been worn by the race car drivers may be replaced by a speaker of the audio system of the vehicle. Thus, there is no disclosure in Skeen of replacing a malfunctioned speaker of an audio system in a vehicle with another speaker of the audio system. Rather, the ear pierce is used in a first embodiment by race car drivers who are racing cars on a race track who obviously would not hear anything from a speaker mounted to his race car, if such is even feasible; while in an alternative embodiment the speaker of the audio system is used only for those vehicle that may be receiving emergency signals from an emergency vehicle. In other words, the examiner is respectfully submitted to have mixed apples

with oranges, as the ear pierce is used in one scenario whereas the speaker of an audio system is used in another scenario disclosed in Skeen.

Independent claims 17 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Timm in view of Tran et al. U.S. patent 6,359,987. According to the examiner, Tran et al. disclose "means for automatically selecting one from among a plurality of loudspeakers of an audio system. (See column 3, lines 25-26)". (Page 12 of Office Action)

Claims 17 and 21 features means (or processor) for automatically selecting one from among a plurality of loudspeakers of the audio system as the hands-free speech communication loudspeaker.

Tran deals with improving the degradation of sound in speakers that are attached to a computer and are therefore receiving the output signal from the sound card in the computer. There is no selecting of a particular loudspeaker from any plurality of speakers disclosed in Tran. Rather, Tran discloses that his system can automatically select between a first speaker type and a second speaker type. These speaker types are defined by Tran as being either active speakers or passive speakers. The need to determine what type of speakers are attached to the computer is mandated by the impedance level (resistance) provided by the different types of speakers. (Column 5, lines 23-45) To determine the type of speakers attached to the computer, the computer relies on the automatic detection when the computer is turned on so that at the initial power on self test, during the BIOS operation, the type of speakers attached to the computer is sensed when the configuration of the system is determined. (Column 2, lines 36-53; column 6, lines 56-61) Thus, Tran does not have anything do to with any audio system in vehicle, let alone the automatic selecting of a loudspeaker from among a plurality of loudspeakers of an audio system. Instead, Trans discloses the detection of the type of speakers already attached to the computer during initial power on so that

computer would configure its audio driver circuit to drive those speakers with the correct impedance load.

In view of the above, applicant respectfully submits that the rejection of instant invention over the newly cited prior art is without merit. Accordingly, the examiner is respectfully requested to reconsider the application and pass the same to issue.

In the event the examiner has any questions or requires clarification regarding this response or any of the prior art references, he is respectfully requested to contact the undersigned. Also, if the examiner were to maintain the above rejections notwithstanding the above remarks, he is hereby respectfully requested to contact the undersigned so that an interview may be arranged for the purpose of further clarifying any questions that the examiner may have in order to expedite the prosecution of the instant application.

Respectfully submitted,



Louis Woo, RN 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, VA 22314
(703) 299-4090

Date: Sept 29 2003